IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.25701 of 2006

Between:
Prabhunath and 5 others

….. PETITIONERS

AND
Municipal Corporation of Hyderabad
Secunderabad Division,
Rep.by its Commissioner, Secunderabad
And another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.25701 of 2006

ORDER:

This writ petition is filed by the petitioners aggrieved by the proceedings of the 1st respondent Corporation in issuing notice under Section 456 of HMC Act, specifying that the building in question requires urgent demolition, in view of the dilapidated condition.

According to the petitioners who are claiming to be the tenants that the building does not require to be demolished and relies upon the certificate of an Engineer who has certified that only maintenance is required, but no demolition is required. But, however, the learned standing counsel for the respondents brought to the notice of this Court that a statutory appeal is provided under Sec.654 (6) of HMC Act to the Judge. Since an effective statutory remedy is provided, therefore, the writ petition is not maintainable.

After hearing both sides and considering the material on record, as well as the statutory position, where a statutory appeal is provided to the aggrieved parties with reference to the notice issued under Sec.456 of HMC Act, this Court declines to entertain this writ petition.

Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioners to file an appeal, as is provided under Sec.654 of Hyderabad Municipal Corporation Act, 1955. No order as to costs.

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S.ANANDA REDDY,J

Dated: 04.10.2007
Dsr